

**REMARKS**

**Summary of Office Action**

Claims 1-2, 4-5, 10-12, 16 and 18-21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,844,673 to *Bernkopf* in view of U.S. Patent Application Publication 2001/0004190 to *Nishi et al.*

Claims 3 and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bernkopf* in view of *Nishi et al.* in further view of U.S. Patent No. 6,608,449 to *Fukunaga*.

Claims 6-9 and 13-15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bernkopf* in view of *Nishi et al.* in further view of U.S. Patent Application Publication 2005/0176242 to *Kawase*.

**Summary of Response**

Applicant respectfully traverses the rejection of claims 1-2, 4-5, 10-12, 16 and 18-21 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bernkopf* in view of *Nishi et al.*

Applicant respectfully traverses the rejection of claims 3 and 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bernkopf* in view of *Nishi et al.* in further view of *Fukunaga*.

Applicant respectfully traverses the rejection of claims 6-9 and 13-15 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bernkopf* in view of *Nishi et al.* in further view of *Kawase*.

Claim 15 has been amended to correct a minor informality.

Claims 22-27 have been added. No new matter has been introduced.

Accordingly, claims 1-27 are currently pending for further consideration.

**Rejections Under 35 U.S.C. § 103(a)**

Claims 1-2, 4-5, 10-12, 16 and 18-21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bernkopf* in view of *Nishi et al.* Applicant respectfully traverses this rejection as being based upon prior art references that fail, whether taken alone or in combination, to teach or suggest the recited features.

Independent claim 1 recites, in part, a second spacer made of an adhesive material to fix together the first and the second array substrates, the second spacer being formed between the first and the second array substrates. Similarly, independent claim 10 recites, in part, forming a second spacer of an adhesive material between the first and the second array substrates to fix together the first and second array substrates.

The Office alleges that the barrier layer 112 disclosed in *Bernkopf* corresponds to the second spacer. Applicant respectfully disagrees. The barrier layer 112 protects the electroluminescent medium 108 from water, oxygen and other contaminants. (Col. 6, lines 29-37). There is no teaching or even a suggestion in *Bernkopf* that the barrier layer 112 was meant to be a spacer as alleged in the Office Action. In fact, *Bernkopf* teaches to the contrary. For instance, *Bernkopf* teaches that the barrier layer 112 constitutes the top surface 120 of the front

plane 100 while the conductive adhesive deposits 212 constitutes the top surface 220 of the backplane. (Col. 9, lines 55-63). When the front plane 100 and the backplane 200 are brought together, contact necessarily occurs on the top surfaces (i.e., barrier layer 112 and conductive adhesive deposits 212). Hence, *Bernkopf* explicitly teaches that the barrier layer 112 is not a spacer.

While the Office acknowledges that *Bernkopf* does not teach a second spacer being made of an adhesive material as claimed, the Office alleges that “it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify the composition of the second spacer, as disclosed by Nishi, in the device of *Bernkopf*, in order to ensure structural stability and prevention of the external air.” (See “Office Action” dated February 7, 2006, paragraph 1). Applicant respectfully disagrees.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine reference teachings. (See MPEP §§ 2142-2143). Contrary to the Office’s assertion, there is no suggestion or motivation to combine *Bernkopf* and *Nishi et al.* in the manner asserted.

Regarding the alleged motivation to ensure structural stability, *Bernkopf* employs conductive adhesive deposits 212 to adhere the front plane 100 to the backplane 200. (Col. 9, lines 33-34). Therefore, there is no motivation to use the adhesive material for barrier layer 112, especially since barrier layer 112 is not a spacer (i.e., it does not contact the surface below the conductive adhesive deposits 212) as explained above. Regarding the alleged motivation to

prevent external air, the barrier layer 112 serves to insulate and protect the electroluminescent medium 108. Specifically, the barrier layer 112 protects the electroluminescent medium 108 from water, oxygen and other contaminants. (Col. 6, lines 29-37). Therefore, one of ordinary skill in the art would not have been motivated to employ the sealing agent disclosed by *Nishi et al.* to adhere the first and second substrates to ensure structural stability and prevent external air. As there is no motivation to modify *Bernkopf* with the teachings of *Nishi et al.* in the manner asserted, Applicant asserts that there is no *prima facie* case of obviousness. Accordingly, the rejection of claims 1 and 10 should be withdrawn.

Independent claim 16 recites, in part, a spacer made of an electrically insulating material to fix together the first and the second array substrates, the spacer being formed between the first and the second array substrates. By contrast, *Bernkopf* discloses conductive adhesive deposits 212 to adhere the front plane 100 to the backplane 200. (Col. 9, lines 33-34). Accordingly, the rejection of claim 16 should be withdrawn.

For at least the above reasons, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn. Accordingly, *Bernkopf* and *Nishi et al.*, whether taken singly or in combination, fail to teach or suggest each feature of independent claims 1, 10 and 16. Furthermore, Applicants respectfully submit that dependent claims 2, 4, 5, 11, 12, and 18-21 are allowable at least because of their dependence from one of independent claims 1, 10 and 16 and for the additional features that they recite. As to claims 3, 6-9, 13-15 and 17, *Fukunaga* and *Kawase* both fail to cure the deficiencies of *Bernkopf* and *Nishi et al.* described above. Accordingly, *Bernkopf*, *Nishi et al.*, *Fukunaga* and *Kawase*, whether taken singly or in

combination, fail to teach or suggest each feature of claims 3, 6-9, 13-15 and 17 for at least the reasons discussed above.

### **New Claims**

Applicant has added new claims 22-27. Support for claims 22-27 are provided in Fig. 5A and at paragraphs 0037 and 0040, for example, and throughout the specification. Accordingly, no new matter has been entered and examination of new claim 22-27 is respectfully requested. In particular, claims 22-27 depend from their respective base claims 1, 10 and 16. Therefore, claims 22-27 are also allowable over *Bernkopf* and *Nishi et al.* for at least the reasons discussed above.

### **CONCLUSION**


In view of the foregoing, reconsideration and timely allowance of the pending claims are respectfully requested. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time

under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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